

SECOND REGULAR SESSION

SENATE BILL NO. 1188

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR GIBBONS.

Read 1st time March 1, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

5333S.01I

AN ACT

To repeal section 416.615, RSMo, and to enact in lieu thereof one new section relating to the sale of motor fuel.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 416.615, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 416.615, to read as follows:

416.615. 1. It is unlawful for any person engaged in commerce within this
2 state to sell or offer to sell motor fuel below cost as defined in subdivision (2) of
3 section 416.605[, if:

4 (1) The intent of the sale or offer is to injure competition; or

5 (2) The intent of the sale or offer is to induce the purchase of other
6 merchandise, to unfairly divert trade from a competitor, or otherwise to injure a
7 competitor].

8 2. It is unlawful for any person engaged in commerce within this state to
9 sell or offer to sell motor fuel at a price lower than the seller charges other
10 persons at the same time and on the same level of distribution, if the intent of the
11 sale or offer is to injure competition.

12 3. It is unlawful for a person engaged in commerce in this state to sell or
13 transfer motor fuel to itself or an affiliate for resale in this state on a different
14 marketing level of distribution at a transfer price lower than the price it charges
15 a person who purchases for resale at the same time and on the same level of
16 distribution, if the intent of the sale or transfer is to injure competition.

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EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.